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Progress report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000, and provides an update on developments in the peace process since my report dated 2 September 2004 (S/2004/708). The report also describes the deployment and activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE), the current mandate of which expires on 15 March 2005.

II. Status of the Temporary Security Zone and adjacent areas, and cooperation with the parties

2. The general situation in the Temporary Security Zone, established pursuant to resolution 1320 (2000), and the adjacent areas continued to be calm. No major incidents have been reported during the period under review and no significant changes in the disposition and deployment of the armed forces of Ethiopia and Eritrea have been observed by UNMEE. The level of cooperation of the military authorities with the United Nations on both sides remained generally satisfactory. However, as reflected in my last report, due to the protracted stalemate in the overall peace process, the threat to military stability remains a serious concern.

3. During the period under review, there were two reported incursions by Eritrean troops into the Temporary Security Zone, in Sector East. Both incidents were promptly investigated and confirmed, and a protest was subsequently lodged with the Eritrean authorities. UNMEE also observed an incursion by Ethiopian troops approximately one kilometre inside the Temporary Security Zone, in Sector West. It was protested, and the Ethiopian authorities promised to withdraw the troops. UNMEE is monitoring the situation closely. Other observations of cross-border incidents were resolved peacefully. Defections of military and civilian personnel on both sides of the border declined during the period under review. UNMEE reported an overall decrease in incidents of livestock rustling, and both parties cooperated in assisting with the return of the rustled livestock.

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Freedom of movement

4. Freedom of movement for UNMEE personnel operating in Eritrea has improved. With decreasing levels of restrictions, the Mission patrols seeking to monitor the redeployed positions of the Eritrean Defence Forces in the adjacent areas have been allowed greater freedom of movement. However, the road from Asmara to Keren via Barentu has remained closed to UNMEE traffic since 1 September, with no indications of its immediate reopening. This restriction remains a major impediment to UNMEE operations, as it is, without doubt, the best road for supplying the Mission troops in Sector West. Freedom of movement in the adjacent areas on the Ethiopian side has generally been adequate.

5. At the same time, immigration procedures imposed on UNMEE staff entering and exiting Ethiopia and Eritrea at the airports in the two capitals remain in place. I, once again, urge both parties to remove those restrictive measures, and appeal to the Government of Eritrea to cease its insistence on receiving prior notification for non-Mission partners, including embassy staff, humanitarian workers and others, travelling on Mission carriers on both domestic and cross-border flights.

6. Since my last report, UNMEE and the Government of Ethiopia have finalized technical details for the implementation of direct flights between Addis Ababa and Asmara. Efforts by the Mission to discuss such flights with the Government of Eritrea have, regrettably, been in vain. In a letter dated 3 September 2004, the Eritrean Commissioner advised my Special Representative, Legwaila Joseph Legwaila, that the matter required a "directive from the highest political level". In a letter dated 5 November, I appealed to President Isaias Afwerki of Eritrea to help resolve the matter. While the Eritrean Foreign Minister subsequently promised my Special Representative to review this issue, I appeal to the Government of Eritrea to avoid any further delay in finalizing the necessary direct flights arrangements with UNMEE. In the meantime, Mission aircraft continue to fly via Djibouti, at considerable additional cost and wasted work hours, as well as the negative security implications of the circuitous flight path.

Military Coordination Commission

7. At the twenty-sixth meeting of the Military Coordination Commission, held in Nairobi on 20 September, my Special Representative formally introduced the new UNMEE Force Commander, Major General Rajender Singh (India), to the delegates of the two sides. The Commission met again on 29 November and reviewed the security situation. It also welcomed the process of holding sector-level meetings of the Commission and discussed matters relating to additional confidence-building measures. UNMEE proposals included the establishment of a communications hotline, the inclusion of local police and civil administrators as observers in future meetings, the consideration of alternate venues for meetings at the border of the two countries and their respective capitals, and the military and police withdrawal from within 250 metres of both sides of the southern boundary of the Temporary Security Zone. The parties also continued to hold sector-level meetings of the Military Coordination Commission, an important confidence-building measure. I hope that all these proposals will receive serious consideration by the parties and will form the basis of improved cooperation on practical matters.

Status of the Mission and related issues

8. As at 1 December 2004, the total strength of the UNMEE military component stood at 3,889, comprising 3,576 troops, 100 headquarters staff officers and 213 military observers (see annex II).

9. In keeping with Security Council resolution 1560 (2004), the redeployment of the Kenyan infantry battalion, which has been operating in Sector East with a strength of 556 personnel, is under way. Repatriation of that battalion is due for completion by the end of January 2005. I would like to take this opportunity to thank the Government of Kenya for the excellent performance of their troops in the very harsh and prohibitive desert terrain.

10. In the meantime, a revised concept of operations has been drawn up to ensure that, despite the downsizing, the Temporary Security Zone could be monitored effectively, in accordance with the UNMEE mandate established by Security Council resolution 1320 (2000). After the departure of the Kenyan battalion, the number of sectors in UNMEE will be reduced from three to two. In addition, the Administration and Guard Company of the Finnish contingent, which is due to be repatriated by 14 December 2004, upon completion of its tour of duty, is being replaced by a company of the Kenyan Army. The downsizing of the UNMEE force headquarters is also in progress and is expected to be complete by the first quarter of 2005.

11. In Eritrea, the welfare of UNMEE staff has been adversely affected by shortages of essential commodities and foodstuffs, which are not always available in the shops. Recurrent lack of fuel availability compelled UNMEE to institute special measures, including the suspension of non-essential travel. Recently, however, the Government of Eritrea has granted UNMEE permission to import fuel according to its operational requirements. Although that is a welcome decision, the Mission now has to work out the technical arrangements for fuel importation with local authorities, which could take some time to implement. At the same time, I have instructed my Special Representative to monitor the situation closely and to make recommendations necessary to alleviate hardship experienced by Mission staff.

12. On 5 December, a mine action truck driven by an UNMEE contractor collided with a bus in Eritrea. Three local people on the bus sustained fatal injuries in the accident. I would like to take this opportunity to express my sincere condolences to the Government of Eritrea and the families of those involved in that tragic accident.

13. On 1 December, Ms. Sissel Ekaas (Norway) assumed her functions as Deputy Special Representative in Asmara. In addition to her general duties as Mr. Legwaila's Deputy, Ms. Ekaas will oversee UNMEE HIV/AIDS and humanitarian activities, including quick-impact projects, in the entire Mission area. The Deputy Special Representative in Asmara will also provide political oversight of the Mine Action Coordination Centre.

III. Boundary Commission and related developments

14. On 25 November, Prime Minister Meles Zenawi submitted to the Ethiopia Parliament a five-point proposal for peace with Eritrea, which the Parliament accepted. The proposal consists of the following points:

(a) Resolve the dispute between Ethiopia and Eritrea only, and only through peaceful means;

(b) Resolve the root causes of the conflict through dialogue, with a view to normalizing relations between the two countries;

(c) Ethiopia accepts, in principle, the Ethiopia-Eritrea Boundary Commission decision;

(d) Ethiopia agrees to pay its dues to the Ethiopia-Eritrea Boundary Commission and to appoint field liaison officers;

(e) Start dialogue immediately, with a view to implementing the Ethiopia-Eritrea Boundary Commission's decision in a manner consistent with the promotion of sustainable peace and brotherly ties between the two peoples.

15. While some international partners reacted positively to this initiative, Eritrea's initial reactions were dismissive. In a letter dated 10 December 2004 to the President of the Boundary Commission, Eritrea stated that "it is incumbent upon Ethiopia immediately to express unconditional respect for the work of the Boundary Commission, including full acceptance of the 13 April 2002 Award. Ethiopia must withdraw its troops from Eritrean territory and cooperate fully with expeditious demarcation of the border." The letter further stated that "Ethiopia has not complied with the Commission's 17 July 2002 Order to remove illegal settlements from Eritrean territory", which was supported by the Security Council on 14 August 2002 and 6 September 2002.

IV. Mine action

16. While there has been a recent decline in the number of accidents and casualties, landmines and unexploded ordnance continue to claim victims in the Temporary Security Zone and its adjacent areas. From September through November 2004, there were three incidents involving landmines and unexploded ordnance, in which two people were killed and one person was injured. UNMEE continued to monitor closely the threat throughout its area of operations, and, during the reporting period, destroyed an additional 18 mines and 1,269 items of unexploded ordnance. The Mission further cleared more than 203,000 m^2 of land and 575 km of road. Those efforts will be supplemented in the coming weeks with the addition of new mine-protected vehicles, which have now arrived in the Mission area. Meanwhile, UNMEE mine-risk education field teams provided community-based mine-risk education to more than 7,300 people in particularly dangerous areas in Sectors West and Centre.

17. By the end of November, the commercial company MECHEM, which replaced the Slovak demining contingent in June 2004, had fully deployed under a new contract. The memorandum of understanding signed by the United Nations Mine Action Service and the United Nations Office for Project Services has been amended accordingly.

V. Humanitarian developments

18. My Special Envoy for the Humanitarian Crisis in the Horn of Africa, Martti Ahtisaari, visited Eritrea and Ethiopia again from 13 to 19 October. He stressed the need for both humanitarian and development assistance to help address chronic and acute food and livelihood insecurity in the two countries.

19. In Eritrea, despite great efforts, the situation continued to deteriorate. Recurrent drought, erratic rainfall, deficient crops and poor economic performance are likely to increase the number of most vulnerable people from 1.9 million to 2.2 million over the next six months. The latter figure constitutes 58 per cent of the country's total population of 3.8 million. Meanwhile, approximately 66 per cent of Eritrea's population has limited coping mechanisms and poor access to clean water. According to the 2005 Consolidated Appeal Process, life-threatening acute malnutrition accounts for 15 to 20 per cent of children under the age of five, while an average of 42 per cent of women of productive age are undernourished. Maternal mortality is aggravated by maternal malnutrition rates that stand as high as 53 per cent in some areas. The number of deaths resulting from acute respiratory infections and diarrhoea is very high, and while the prevalence of HIV/AIDS remains low, it is increasing in some parts of the country. In addition, the threat posed by landmines impedes the normal movement of more than 655,000 people.

20. In Ethiopia, a July 2004 needs assessment projected that the number of people who will require humanitarian assistance until the end of 2004 had increased to 7.8 million. That increase is the direct result of lower food availability in certain parts of the country after insufficient rains and widespread drought damaged domestic food sources. In addition, there is a shortfall of 100,000 metric tons of food aid, of a total of 500,000 metric tons required by the end of this year. Funding of non-food assistance in Ethiopia stands at only 56 per cent of the 2004 requirement. This funding gap has, furthermore, increased by an additional $7 million, owing to the recent change in the malaria drug regime. On 26 November, 200 Ethiopian civilians were repatriated from Eritrea to Ethiopia under the auspices of the International Committee of the Red Cross.

21. A United Nations priority in Eritrea is the sustainable reintegration of internally displaced persons and the repatriation of refugees. However, in order to succeed, there is reason to address issues of malnutrition and food security among the drought-affected; the provision of health and primary education; the empowerment of women, especially those who head households; prevention of the spread of HIV/AIDS; and demining enough of the region so that internally displaced persons and refugees may return home. In order to undertake those tasks and to effectively address the humanitarian crisis in 2005, a total of $157 million is urgently needed.

Quick-impact projects

22. UNMEE continued to implement quick-impact projects in the Temporary Security Zone and its adjacent areas, in both Ethiopia and Eritrea, from funds received through the Trust Fund for the Support of the Peace Process in Ethiopia and Eritrea. It is estimated that since 2001, more than 770,000 people have benefited from water, health, sanitation and education projects initiated by the Mission, in coordination with its humanitarian partners. The Government of Norway has

recently contributed, for the third time, $250,000 to the Fund. I would like to urge other donors to lend their support to these important projects by making additional contributions to the Trust Fund.

HIV/AIDS activities

23. During the period under review, UNMEE conducted two workshops on the theme "Training of trainers in HIV/AIDS peer leadership", which involved UNMEE staff, the United Nations country teams, People Living with HIV/AIDS — a non-governmental organization — and the local population. Training sessions, which lasted for 14 days, were held in Addis Ababa and Asmara.

24. HIV/AIDS awareness training is provided to all new arrivals to UNMEE including international and local civilians, and military personnel. At the same time, the Mission HIV/AIDS Unit continues to offer its services for voluntary confidential counselling and testing on a daily basis to UNMEE staff members.

VI. Human rights

25. UNMEE continues to engage both Ethiopia and Eritrea in monitoring and investigating human rights activities in the two countries. I am deeply concerned, however, about reported instances of reluctance by the relevant Eritrean authorities to share information on the status of Ethiopian nationals who had crossed into Eritrea. UNMEE has further reported that, despite the general decline in defections across the border, there was a rise in border crossings into Ethiopia, during October, involving unaccompanied Eritrean minors. In that connection, following reports that local Ethiopian authorities had the intention to forcibly return the unaccompanied minors to Eritrea, UNMEE intervened with State officials of Tigray Region in northern Ethiopia. I am pleased to note that since my last report, Eritrean civilians who had allegedly been abducted by Ethiopian troops have now been accounted for in Eritrea.

26. An UNMEE Human Rights Sub-office in Mekelle, Ethiopia, has become operational and is closely monitoring the case of five Eritrean men who were arrested in June 2004 on allegations of espionage and detained at a prison in Axum. UNMEE has called on the Tigray regional authorities to respect the human rights of the detainees by, among other things, facilitating a fair trial.

27. I am deeply concerned about reports that the residences of certain United Nations staff members in Asmara were searched during a national service draft campaign conducted by Eritrean security forces on 4 and 5 November. Taken from the streets, schools, workplaces and homes, thousands of men were reportedly arrested over that period without warrants. It is further reported that on the night of 4 November a riot broke out between detainees and prison guards at Adi Abieto prison camp, on the outskirts of Asmara. As a result of the incident, a number of people were reported to be seriously injured. Further reports allege arbitrary and incommunicado detentions, deaths in custody and the unknown whereabouts of certain individuals. Altogether, more than 50 UNMEE staff members have been arrested and detained since the beginning of 2004. Seven are still unaccounted for.

28. UNMEE has continued to receive requests, mainly from Ethiopia, to conduct human rights promotional and training activities and has also received support

recently from Eritrean local authorities in Assab in that respect. In response to those initiatives, I encourage the implementation of technical cooperation projects.

VII. Public information

29. UNMEE public information activities were continued through video productions, radio programmes, the monthly newsletter and weekly press briefings. The Mission experienced some complications with the Eritrean Ministry of Information over the printing of the UNMEE newsletter, which resulted in delayed printing and circulation. In addition, UNMEE has had difficulty getting its programmes, especially its television outputs, aired on the national broadcaster in Asmara. I, therefore, appeal to the Government of Eritrea to facilitate UNMEE public information activities, so that the Eritrean public can benefit from programmes conveying Mission messages.

30. In the meantime, public information activities through Outreach Centres in Ethiopia continued. On 29 October, UNMEE opened its new Outreach Centre in Adigrat.

VIII. Financial aspects

31. The General Assembly, by its resolution 58/302 of 18 June 2004, appropriated $198.3 million, equivalent to $16.5 million per month, for the maintenance of UNMEE for the financial period from 1 July 2004 to 30 June 2005. Should the Security Council decide to extend the mandate of UNMEE beyond 15 March 2005, the cost of maintaining the Mission would be limited to the amount approved by the General Assembly. As at 31 July 2004, unpaid assessed contributions to the special account for UNMEE amounted to $50.6 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2.4 billion.

IX. Observations

32. I am encouraged by the parties' continued commitment to the provisions of the Agreement on Cessation of Hostilities of June 2000 (S/2000/601), manifested in the relative military stability in the border area and regular meetings of the Military Coordination Commission. UNMEE has continued to play an important role in contributing to that situation, and the Mission has received satisfactory cooperation from the two sides. Having said that, serious improvement is still required. It is essential that neither party should undertake any activities that could undermine the integrity of the Temporary Security Zone or otherwise jeopardize the fragile and relative stability that has prevailed thus far. I look forward to receiving a response to my letter addressed to President Isaias of 5 November, in which I requested his personal intervention for the resolution of certain matters relating to UNMEE daily operations. The letter also raises the vital issue of the security of United Nations staff, which requires an urgent solution.

33. The possible consequences of a protracted stalemate in the peace process between Ethiopia and Eritrea remain a source of serious concern, both in terms of

stability on the ground and as a matter of precedence. In my statement at the opening of the General Assembly in September of this year, I highlighted the importance of the rule of law, at home as well as abroad. However, I also noted that rule of law as a mere concept is not enough. Laws must be put into practice; treaties and agreements must be respected and implemented.

34. In that regard, I note Ethiopia's stated intention to resolve the dispute with Eritrea only through peaceful means, to pay its dues to the Boundary Commission and to appoint field liaison officers. I welcome any step that may contribute to the full implementation of the 2000 Algiers Agreement and the subsequent decision of the Boundary Commission, the initiation of dialogue between Eritrea and Ethiopia and the willingness to address the root causes of the conflict as well as to normalize bilateral relations, actions whose combined impact could contribute in a major way to the economic and social development of both countries and the whole region. I encourage the Government of Ethiopia to formally initiate implementation of its proposal through the Boundary Commission, in accordance with the requisite procedures. In the meantime, I call upon both parties to refrain from any action in the border area that could be viewed as provocative or destabilizing, and caution against any assumption, which would be misplaced, that these problems can be peacefully resolved by creating facts on the ground.

35. While the parties themselves are responsible for the implementation of their peace agreement, as indicated in several Security Council resolutions, the international community has an interest in and responsibility for helping them bring the peace process to a conclusion. My good offices, through my Special Envoy, Lloyd Axworthy, will continue to be available to assist the parties to that end. The effectiveness of conflict resolution and rule of law requires the international community as a whole, and in particular Member States that are directly involved in the process, to uphold international agreements and obligations. I encourage all international partners to intensify their endeavours in helping the parties reach their final destination in the peace process, which will positively affect the lives of millions of people in Eritrea and Ethiopia and the whole region. In the meantime, I urge donors to continue to support humanitarian efforts in the two countries to alleviate the daily hardship on large segments of the populations.

36. In conclusion, I would like to express my gratitude to my Special Representative, Mr. Legwaila Joseph Legwaila and to the civilian and military UNMEE personnel for their continued commitment and hard work. Furthermore, I would like to thank my Special Envoy, who is preparing to work with the parties towards the conclusion of the peace process, as well as all the Mission partners, including the United Nations country teams and humanitarian agencies, the African Union and other international organizations, for the support they continue to lend to the peace process.

nnex I

Eritrea-Ethiopia Boundary Commission: fifteenth report on the work of the Commission

1. This is the fifteenth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 20 August to 1 December 2004.

2. As indicated in its fourteenth report, the Commission has, regrettably, and for reasons beyond its control, been unable to make progress with its demarcation activities during the period covered by this report.

3. However, the Commission received on 7 December a letter from the Legal Counsel to the Federal Democratic Republic of Ethiopia, dated 6 December, in which he stated that, at the instruction of the Government of Ethiopia, he was writing "to convey to the Commission information on the Government's most recent initiative for resolving the dispute between Ethiopia and Eritrea". The letter continued:

> "On November 25, the Prime Minister of Ethiopia, His Excellency Meles Zenawi, gave a major address to the House of Peoples' Representatives (Federal Parliament) regarding the peace process and, after discussion, the House adopted the five-point peace proposal presented by the Prime Minister.
>
> "The Government of Ethiopia has asked that I inform the Commission that on the basis of paragraph (4) of the five-point peace proposal its outstanding dues will be paid immediately. In addition, Ethiopia's liaison officers will be appointed promptly from a list of candidates now being considered. Their names and information regarding their background will be transmitted to the Commission as specified in the Commission's order of 7 July 2003."

4. The decision of the House of Peoples' Representatives on the five point proposal for resolving the dispute between Ethiopia and Eritrea has been submitted to the Secretariat.

5. The Commission has not as yet received notice that either of the steps announced has been completed. When this has happened, the Commission will promptly consider how best to resume the demarcation process.

6. As noted in its earlier reports, the Commission, in keeping with its commitment to continue its work in the manner foreseen in the Algiers Agreement, has maintained its presence in the area, but has reduced its activity to the minimum compatible with its being able to resume it as soon as it becomes possible for it to do so. The Commission has maintained its field offices in both capitals, but with reduced staff. It had, even before the receipt of the latest communication from the Government of Ethiopia, extended until the end of January 2005 the period the field offices are being kept open. This period will, of course, be extended as the needs of the situation may require.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Commission

8 December 2004

Annex II

United Nations Mission in Ethiopia and Eritrea: contributions as at 1 December 2004

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Algeria	8			8	
Australia			2	2	
Austria	2		1	3	
Bangladesh	7	167	4	178	
Benin			0	0	
Bosnia and Herzegovina	9			9	
Bulgaria	5		2	7	
China	7			7	
Croatia	7			7	
Czech Republic	2			2	
Denmark	4			4	
Finland	7	167	11	185	
France			1	1	
Gambia	4			4	
Ghana	12		6	18	
Germany	2			2	
Greece	3			3	
India	8	1 523	21	1 552	
Iran (Islamic Republic of)	3			3	
Italy		57	1	58	8
Jordan	7	947	12	959	
Kenya	12	668	13	691	
Malaysia	4		4	8	
Namibia	4		1	5	
Nepal	4			4	
Nigeria	7		3	10	
Norway	5			5	
Paraguay	3			3	
Peru	3			3	
Poland	6			6	
Romania	8			8	
Russian Federation	6			6	
Spain	3		2	5	
South Africa	5		2	7	

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Sweden	5			5	
Switzerland	4			4	
Tunisia	2		3	5	
Ukraine	6			7	
United Republic of Tanzania	8		3	11	
Uruguay	5	33	3	41	
United States of America	6			6	
Zambia	10		3	12	
Total	**213**	**3 562**	**98**	**3 864**	**8**